

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

FIRST APPEAL ST. NO. 21043 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Makadu Bhila Patil

.. RESPONDENT

WITH

FIRST APPEAL ST. NO. 21052 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Vitthal Onkar Sutar

.. RESPONDENT

WITH

FIRST APPEAL ST. NO. 21067 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Hirkanbai Bhaskar Patil

.. RESPONDENT

WITH
FIRST APPEAL ST. NO. 21065 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Digambar Pundlik Patil

.. RESPONDENT

WITH
FIRST APPEAL ST. NO. 21050 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Sukdeo s/o Namu Patil

.. RESPONDENT

WITH
FIRST APPEAL ST. NO. 21048 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Yuvraj Ratan Dhangar

.. RESPONDENT

3

WITH
FIRST APPEAL ST. NO. 21062 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Nilkanth Namdeo Patil

.. RESPONDENT

WITH
FIRST APPEAL ST. NO. 21056 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Jijabrao Lotan Patil

.. RESPONDENT

WITH
FIRST APPEAL ST. NO. 21046 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Lahayabai Hiranman Patil

.. RESPONDENT

WITH
FIRST APPEAL ST. NO. 21070 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Yograj Lotan Patil

.. RESPONDENT

WITH
FIRST APPEAL ST. NO. 21060 OF 2001

The Special land Acquisition Officer
& another

.. APPELLANTS

VERSUS

Vinayak Shrawan Patil

.. RESPONDENT

Mr. K.S. Patil, AGP for the State.

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CORAM : R.M. BORDE, J.
DATE : 7th JUNE, 2011

PER COURT :

1 Appellant / State is raising exception to the judgment and award
passed by the Civil Judge, Sr.Dn., Jalgaon in LAR No. 1608/1998 and other

companion matters dated 13-4-2000.

2 Lands belonging to the respondents / original claimants came to be acquired for lying down railway track. The Land Acquisition Officer after following the procedure prescribed under the Land Acquisition Act, declared the award and determined value of the acquired property. Claimants being dis-satisfied with the award passed by the Land Acquisition Officer, tendered applications seeking reference of the matters to the civil court for determination of market value of the acquired lands. Reference court on consideration of the evidence came to the conclusion that the proper market value of the acquired land would be Rs 65000/- per H. Claimants placed reliance on the sale instances produced on record in respect of the agricultural property. Sale deed is dated 17-5-1985 and the sale transaction is for Rs. 53,125/- per H. Sale instance is pre-notification sale and is prior to five years of the issuance of section 4 notification. Considering the rise in prices of agricultural properties, reference court came to the conclusion that the market value of the property would be Rs.79,687/- per H on the date of section 4 notification. On consideration of all the relevant aspects, reference court determined value of the property at Rs. 65,000/- per H and directed payment of enhanced amount of compensation.

3 I have perused the judgment and award passed by the reference court. Enhancement that has been directed by the reference court is quite moderate and the decision rendered by the reference court is based on proper appreciation of evidence placed on record by the claimants. There is no need to cause interference in the instant appeals presented by the State. Appeals being devoid of substance, stand dismissed.

4 Pending civil application, if any, does not survive and stands disposed of.

(R. M. BORDE)
JUDGE

dyb

FARAD CONTINUATION SHEET NO.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGBAD.**

CIVIL APPLICATION NO. 6538 OF 2009

WITH

CIVIL APPLICATION NO. 6548 OF 2009

WITH

CIVIL APPLICATION NO. 6550 OF 2009

WITH

CIVIL APPLICATION NO. 6552 OF 2009

WITH

CIVIL APPLICATION NO. 6554 OF 2009

WITH

CIVIL APPLICATION NO. 6536 OF 2009

WITH

CIVIL APPLICATION NO. 6534 OF 2009

WITH

CIVIL APPLICATION NO. 6546 OF 2009

WITH

CIVIL APPLICATION NO. 6544 OF 2009

WITH

CIVIL APPLICATION NO. 6542 OF 2009

AND

CIVIL APPLICATION NO. 6540 OF 2009

Office Notes, Office Memoranda of |
Coram, appearances, Court's orders |
or directions and Registrar/s orders |
and Registrar's orders |

Court's or Judge's orders

CORAM : R.M. BORDE, J.

DATE : 7th JUNE, 2011

1 These are the applications seeking
condonation of delay of 3 days occurred in

presenting the first appeals.

2 Heard. For the reasons stated in the applications, applications deserve to be allowed and the same are accordingly allowed. Delay of 3 days occurred in presenting the first appeals stands condoned. Civil applications stand disposed of.

(R.M. BORDE)
JUDGE

dyb